



PATENT  
Attorney Docket No. 046700-5032  
Page 1 of 8

2161  
6.27.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Atkinson et al.

Application No.: 09/753,074

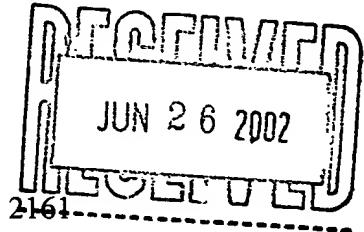
Filed: December 29, 2000

For: METHOD, APPARATUS, AND SYSTEM  
FOR BIDDING IN ROUNDS

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Group Art Unit: 2161

Examiner: Unassigned



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INFORMATION DISCLOSURE STATEMENT *Technology Center 2100*  
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature K.R. Jessum Date of Deposit Jun 4, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents



<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
3,863,060	01/28/75	Rode, et al.
4,597,045	06/24/86	Kiuchi
4,799,156	01/17/89	Shavit
5,629,982	05/13/97	Micali
5,640,569	06/17/97	Miller, et al.
5,799,285	08/25/98	Klingman
5,803,500	9/8/98	Mossberg
5,809,483	9/15/98	Broka, et al.
5,826,244	10/20/98	Huberman
5,832,496	11/3/89	Anand, et al.
5,835,896	11/10/98	Fisher, et al.
5,862,223	1/19/99	Walker, et al.
5,890,138	3/30/99	Godin, et al.
5,897,621	4/27/99	Boesch, et al.
5,905,974	5/18/99	Fraser, et al.
5,905,975	5/18/99	Ausubel
5,915,209	6/22/99	Lawrence
5,966,699	10/12/99	Zandi
6,014,627	1/11/00	Togher, et al.

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6,021,398	2/1/00	Ausubel
6,023,685	2/8/00	Brett, et al.
6,044,363	3/28/00	Mori, et al.
6,055,518	4/25/00	Franklin, et al.
6,058,379	5/2/00	Odom, et al.
6,061,663	5/9/00	Bloom, et al.
6,078,906	6/20/00	Huberman
6,119,229	9/12/00	Martinez, et al.
6,151,589	11/21/00	Aggarwal, et al.
6,161,099	12/12/00	Harrington, et al.
6,199,050	3/6/01	Alaia, et al.
6,266,652	7/24/01	Godin, et al.

Foreign Patents

<u>Publication No.</u>	<u>Publication Date</u>	<u>Country</u>
0399850A	11/28/90	EP
WO 92/15174	9/3/92	WIPO
WO 97/37315	10/9/97	WIPO
WO 98/34187	8/6/98	WIPO
WO 99/63461	12/9/99	WIPO
409101994A	4/97	JP
410078992A	3/98	JP

Other Publications

“BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture”, Business Wire, p5150152, May 15, 1995

“FairMarket Launches New Self-Serve Auctions”, Business Wire, p6161495, June 16, 1998

Lee, “Do electronic marketplaces lower the price of goods?”, Communications of the PCM, v41n1 pp 73-80, Jan 1998

“Moai Technologies Introduces New categories of Business to Business Auction Software..”, Business Editors and Computer writers, March 16, 1998

Kikuchi, et al., “Multi-Round Anonymous Auction Protocols”, IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999

“Online bidding software”, Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997

Sairamesh, et al., “Economic Framework for Pricing and Charging Digital Libraries”, D-Lip Magazine, February 1996

“Sold!...To the Lowest Bidder”, Computer Finance, v6, n2, July 1995

“Venture Capitalists Fund Two Massachusetts Internet Related Companies”, Boston Globe, January 14, 1998

Vigoroso, “Buyers prepare for brave new world of e-commerce”, Purchasing, v126, n6, pS4(1), April 22, 1999

Von der Fehr, et al., “Predatory bidding in sequential auctions”, Oxford Economics Papers, v46, n3, p345(12), July 1994

“What you need to know to bid in FCC’s narrowband auction”, Washington Telecom News, v2, n26, p6(2), June 27, 1994

Further, in compliance with 37 C.F.R. § 1.98(d), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) have not been provided because they were cited in parent application no. 09/252,790, filed on February 19, 1999, now U.S. Patent No. 6,230,146, issued May 18, 2001.

U.S. Patents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
3,581,072	5/25/71	Nymeyer
4,674,044	6/16/87	Kalmus, et al.
4,789,928	12/6/88	Fujisaki
4,845,625	7/4/89	Stannard
4,992,940	2/12/91	Dworkin
5,136,501	8/4/92	Silverman, et al.
5,193,056	3/9/93	Boes
5,243,515	9/7/93	Lee
5,297,032	3/22/94	Trojan, et al.
5,375,055	12/20/94	Togher, et al.
5,394,324	2/28/95	Clearwater
5,402,336	3/28/95	Spiegelhoff, et al.
5,606,602	2/25/97	Johnson, et al.
5,664,115	9/2/97	Fraser

5,684,963	11/4/97	Clement
5,689,652	11/18/97	Lupien, et al.
5,715,402	2/3/98	Popolo
5,727,165	3/10/98	Ordish, et al.
5,758,327	5/26/98	Gardner, et al.
5,758,328	5/26/98	Giovannoli
5,765,138	6/9/98	Aycock, et al.
5,774,873	6/30/98	Berent, et al.
5,794,207	8/11/98	Walker, et al.
5,794,219	8/11/98	Brown
5,797,127	8/18/98	Walker, et al.
5,799,151	8/25/98	Hoffer
5,802,502	9/1/98	Gell, et al.

Other Publications

Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II, May-June, 1989

Freemarkets™ Online, "Bidware Manual", June 9, 1988

Freemarkets Online™, "Online Industrial Market Making, An Overview of Purchasing Executives"

WebAuction.com, "How to Play", 1998

Auction Sales, "Live Auctions Online", September 1998

Auction Port, "Online Auction Community - New Auctions Since 9/2/98", July 1998

OnSale, "How to Play", 1998

u-Auction-It™, 1997

Freemarkets Online™, "Homepage", 1998

Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998

Associated Press, "Auction on Web is Buyer's Market", April 6, 1998

Steinert-Threlkeld, "New Watchwords: Let Sellers Beware", June 1, 1998

Woolley, "E-muscle", March 9, 1998

Associated Press, "FreeMarkets Takes Auction on Internet", February 23, 1998

Jahnke, "How Bazaar", CIO Web Business Magazine, August 27, 1998

Wilder, "What's Your Bid? -- FreeMarkets' real-time online bidding technology lets clients drive down costs and improve product value", InformationWeek, November 10, 1997

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System", Communications of the ACM, No. 1, January 29, 1986

Danny Cohen, "Computerized Commerce" Information Processing 89, August 28-September 1, 1989

Applicants respectfully request that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or

other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

June 4, 2002  
Date

By: 

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Substitute for form 1449A/PTO  
**INFORMATION DISCLOSURE  
 STATEMENT BY APPLICANT**  
 (use as many sheets as necessary)

Sheet 1 of 3

		<i>Complete if Known</i>	
		Application Number	09/753,074
		Filing Date	December 29, 2000
		First Named Inventor	Atkinson et al.
		Group Art Unit	2161
		Examiner Name	Unassigned
		Attorney Docket Number	046700-5032

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U.S. PATENT DOCUMENTS				
Exr Initials	U.S. Patent Document Number	Kind Code (if known)	Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	3,581,072	PC	Nymeyer	5/25/71
	3,863,060	PC	Rode, et al.	1/28/75
	4,597,045	PC	Kiuchi	6/24/86
	4,674,044	PC	Kalmus, et al.	6/16/87
	4,789,928	PC	Fujisaki	12/6/88
	4,799,156	PC	Shavit, et al.	1/17/89
	4,845,625	PC	Stannard	7/4/89
	4,992,940	PC	Dworkin	2/12/91
	5,136,501	PC	Silverman, et al.	8/4/92
	5,193,056	PC	Boes	3/9/93
	5,243,515	PC	Lee	9/7/93
	5,297,032	PC	Trojan, et al.	3/22/94
	5,375,055	PC	Togher, et al.	12/20/94
	5,394,324	PC	Clearwater	2/28/95
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	5,606,602	PC	Johnson, et al.	2/25/97
	5,629,982	PC	Micali	5/13/97
	5,640,569	PC	Miller, et al.	6/17/97
	5,664,115	PC	Fraser	9/2/97
	5,684,963	PC	Clement	11/4/97
	5,689,652	PC	Lupien, et al.	11/18/97
	5,715,402	PC	Popolo	2/3/98
	5,727,165	PC	Ordish, et al.	3/10/98
	5,758,327	PC	Gardner, et al.	5/26/98
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	5,765,138	PC	Aycock, et al.	6/9/98
	5,774,873	PC	Berent, et al.	6/30/98
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	5,794,219	PC	Brown	8/11/98
	5,797,127	PC	Walker, et al.	8/18/98
	5,799,151	PC	Hoffer	8/25/98
	5,799,285	PC	Klingman	8/25/98
	5,802,502	PC	Gell, et al.	9/1/98
	5,803,500	PC	Mossberg	9/8/98
	5,809,483	PC	Broka, et al.	9/15/98
	5,826,244	PC	Huberman	10/20/98
	5,832,496	PC	Anand, et al.	11/3/98
	5,835,896	PC	Fisher, et al.	11/10/98
	5,862,223	PC	Walker, et al.	1/19/99
	5,890,138	PC	Godin, et al.	3/30/99
	5,897,621	PC	Boesch, et al.	4/27/99
	5,905,974	PC	Fraser, et al.	5/18/99
	5,905,975	PC	Ausubel	5/18/99
	5,915,209	PC	Lawrence	6/22/99
	5,966,699	PC	Zandi	10/12/99
	6,014,627	PC	Togher, et al.	1/11/00
	6,021,398	PC	Ausubel	2/1/00
	6,023,685	PC	Brett, et al.	2/8/00

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<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>			<i>Complete if Known</i>		
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Sheet	2	of	3	Attorney Docket Number	046700-5032

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U.S. PATENT DOCUMENTS					
Exr Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document		Date of Publication of Cited Document MM-DD-YYYY
	Number	Kind Code (if known)			
	6,044,363	EP	Mori, et al.		3/28/00
	6,055,518	SC	Franklin, et al.		4/25/00
	6,058,379	JUN 1 2002	Odom, et al.		5/2/00
	6,061,663	PATENT	Bloom, et al.		5/9/00
	6,078,906	SC	Huberman		6/20/00
	6,119,229	SC	Martinez, et al.		9/12/00
	6,151,589	SC	Aggarwal, et al.		11/21/00
	6,161,099	SC	Harrington, et al.		12/12/00
	6,199,050	SC	Alaia, et al.		3/6/01
	6,266,652	SC	Godin, et al.		7/24/01

FOREIGN PATENT DOCUMENTS					
Exr Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Country Code	Number	Kind Code (if known)		
	EP	0399850A		RECEIVED	11/28/90
	WIPO	WO 92/15174			9/3/92
	WIPO	WO 97/37315			10/9/97
	WIPO	WO 98/34187			8/6/98
	WIPO	WO 99/63461			12/9/99
	JP	409101994A			4/97
	JP	410078992A			3/98

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS						
Exr Initials	Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published					T <sub>1</sub>
	“BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture”, Business Wire, p5150152, May 15, 1995					
	“FairMarket Launches New Self-Serve Auctions”, Business Wire, p6161495, June 16, 1998					
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	Kikuchi, et al., “Multi-Round Anonymous Auction Protocols”, IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999					
	“Online bidding software”, Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997					

Examiner Signature		Date Considered
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<p>Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>          (use as many sheets as necessary)</p>			<b>Complete if Known</b>		
			<b>Application Number</b>	09/753,074	
			<b>Filing Date</b>	December 29, 2000	
			<b>First Named Inventor</b>	Atkinson et al.	
			<b>Group Art Unit</b>	2161	
<b>Examiner Name</b>	Unassigned				
Sheet	3	of	3	Attorney Docket Number	046700-5032

<b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>					
	Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", D-Lip Magazine, February 1996				
	"Sold!...To the Lowest Bidder", Computer Finance, v6, n2, July 1995				
	"Venture Capitalists Fund Two Massachusetts Internet Related Companies", Boston Globe, January 14, 1998				
	Vigoroso, "Buyers prepare for brave new world of e-commerce", Purchasing, v126, n6, pS4(1), April 22, 1999				
	Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345(12), July 1994				
	"What you need to know to bid in FCC's narrowband auction", Washington Telecom News, v2, n26, p6(2), June 27, 1994				
	Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II, May-June, 1989				
	Freemarkets™ Online, "Bidware Manual", June 9, 1988				
	Freemarkets Online™, "Online Industrial Market Making, An Overview of Purchasing Executives"				
	WebAuction.com, "How to Play", 1998				
	Auction Sales, "Live Auctions Online", September 1998				
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	Jahnke, "How Bazaar", CIO Web Business Magazine, August 27, 1998				
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	Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System", Communications of the ACM, No. 1, January 29, 1986				
	Danny Cohen, "Computerized Commerce", Information Processing 89, (August 28-September 1, 1989				

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